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Attorneys for Defendant SMITHS DETECTION, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

VIET NGUYEN, on behalf of himself and all others similarly situated.

Plaintiff,

VS.

SMITHS DETECTION, INC., a Delaware corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. 3:21-cv-00800-TLT

**JOINT STIPULATION AND [PROPOSED]
ORDER TO REMAND ACTION TO STATE
COURT**

Action Filed: December 17, 2020

JOINT STIPULATION

This Stipulation is made by and between Plaintiff VIET NGUYEN (“Plaintiff”) and Defendant SMITHS DETECTION, INC. (“Defendant”) (collectively the “Parties”), through their respective counsel of record, to remand the above-entitled action to state court.

1. On December 17, 2020, Plaintiff filed a putative class action Complaint in the Alameda County Superior Court alleging Defendant violated various California wage and hour laws. Defendant answered the Complaint and removed the Action to the United States District Court for the Northern District of California.

2. On January 31, 2023, the Parties attended mediation with mediator Michael Dickstein, Esq. but did not reach a settlement at that session.

3. Following post-mediation settlement discussions, the Parties reached a global settlement.

4. On May 18, 2023, the Parties executed a Memorandum of Understanding, which included a term requiring the Parties to file a stipulation to remand the Action to the Superior Court of the State of California for the County of Alameda.

5. Towards the end of August 2023, counsel for Plaintiff throughout this action handling the day-to-day operations through settlement, David Keledjian and David Arakelyan, left Setareh Law Group.

6. On August 28, 2023, present counsel for Plaintiff, Jose Maria D. Patino, Jr. and Tyson Gibb of Setareh Law Group, took over the matter from Mr. Keledjian and Mr. Arakelyan and filed their notices of appearance. (ECF 40 and 41.)

7. Plaintiff's counsel have needed some time to get up to speed on the status of the Action and the settlement between the Parties. However, the Parties have since been able to finalize the terms of the long-form settlement agreement and are currently in the process of executing the long-form settlement agreement.

8. Pursuant to the terms of the Settlement, the Parties have agreed to, stipulate, and respectfully request that this Action be remanded to the Superior Court of the State of California for the County of Alameda.

9. Defendant maintains that removal was appropriate and that this Court has jurisdiction

1 over the Parties and the subject matter of this action, and Defendant's stipulation to remand shall not be
2 construed as an admission or acknowledgment of any kind.

3 IT IS SO STIPULATED.

4
5 DATED: December 8, 2023

SETAREH LAW GROUP¹

6
7 /s/ Jose Maria D. Patino, Jr.
8 SHAUN SETAREH
9 JOSE MARIA D. PATINO, JR.
TYSON GIBB
10 Attorneys for Plaintiff
VIET NGUYEN

11
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13 DATED: December 8, 2023

14 MORGAN, LEWIS & BOCKIUS LLP

15
16 /s/ Joseph R. Lewis
17 MIKE D. WEIL
18 KAYLA K. COX
JOSEPH R. LEWIS
19 Attorneys for Defendant
20 SMITHS DETECTION, INC.

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27 ¹ Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in
the filing of this document has been obtained from the other signatory.

1 **[PROPOSED] ORDER**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 Having considered the Stipulation between the Parties, and good cause appearing, this Court
4 hereby ORDERS that this Action be remanded to the Superior Court of the State of California for the
5 County of Alameda.

6 IT IS SO ORDERED.

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8 DATED: December 28, 2023


9 HONORABLE TRINA L. THOMPSON
10 United States District Judge

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